

**UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT**

VERMONT FEDERATION OF SPORTSMEN’S
CLUBS,
POWDERHORN OUTDOOR SPORTS CENTER,
INC.,
JPC, INC. (D/B/A BLACK DOG SHOOTING
SUPPLIES),
PAUL DAME, and
MARSHA J. THOMPSON

Plaintiffs,

v.

MATTHEW BIRMINGHAM, Director of the
Vermont State Police, in his Official and Personal
Capacities,
CHARITY CLARK, Attorney General of the State
of Vermont, in her Official and Personal
Capacities, and
SARAH GEORGE, State’s Attorney for
Chittenden County, in her Official and Personal
Capacities,

Defendants.

Civil Case No. 2:23-cv-00710

NOTICE OF SUPPLEMENTAL AUTHORITY

A recent decision from the First Circuit provides further support for Defendants’ opposition to Plaintiffs’ request for a preliminary injunction in this case. In *Ocean State Tactical, LLC v. Rhode Island*, 2024 WL 980633, __ F.4th __ (1st Cir. March 7, 2024), the First Circuit affirmed the denial of a preliminary injunction directed at Rhode Island’s ban on large-capacity magazines. *Id.* at *1 (Attachment 1). Among other things, the First Circuit found “no evidence that American society previously confronted” the current problem of “LCM-aided mass shootings,” and that banning LCMs “imposes no meaningful burden on the ability of Rhode Island’s residents to defend themselves.” *Id.* at *3-4. After surveying historical evidence similar

to the evidence presented by Defendants here, the court concluded that any burden on self-defense “is no greater than the burdens of longstanding, permissible arms regulations, and its justification compares favorably with the justification for prior bans on other arms found to pose growing threats to public safety.” *Id.* at *8. The First Circuit also rejected arguments similar to those advanced by Plaintiffs here, including what the court deemed the “popularity test.” *Id.* at *9.

Dated: March 13, 2024

Respectfully Submitted,

/s/ David R. Groff

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was filed electronically via CM/ECF on March 13, 2024, and served by the same means on all counsel of record.

By: /s/ Bridget Asay

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